



Entered on Docket
August 09, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE
COMPANY,
USA CAPITAL REALTY ADVISORS,
LLC,
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,
USA CAPITAL FIRST TRUST DEED
FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING NINTH OMNIBUS OBJECTION OF THE USACM
LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS EXCEPT
PROOF OF CLAIM NO. 10725-00947 FILED BY EVALAYN C. TAYLOR,
PROOF OF CLAIM NO. 10725-01884 FILED BY THOMAS FALLON,
PROOF OF CLAIM NO. 10725-2305 FILED BY ERVEN J. & FRANKIE J.
NELSON TRUST,
PROOF OF CLAIM NO. 10725-02304 FILED BY ERVEN J. NELSON, LTD. PSP,
AND PROOF OF CLAIM NO. 10725-00547 FILED BY
EDWARD & LEAH KLINE FAMILY TRUST**

The USACM Liquidating Trust (the “USACM Trust”) filed its Ninth Omnibus Objection to Claims Asserting Secured Status [DE 3149] (the “Objection”) on March 20, 2007. Appropriate notice of the Objection was given. Responses to the Objection were filed with this Court as follows:

- Response filed by Evalyn C. Taylor, Trustee Separate Property Trust Dated 2/17/07 regarding Claim No. 10725-00947 [DE 3435]. Counsel filed a motion for summary judgment as to this claim on July 30, 2007 [DE 4291]. Counsel deleted Ms. Taylor’s claim from the Exhibit to the Ninth Omnibus Objection attached to this Order.

- Informal opposition received from Thomas Fallon regarding Claim No. 10725-01884. Counsel filed a motion for summary judgment as to this claim on July 30, 2007 [DE 4291]. Counsel deleted Mr. Fallon’s claim from the Exhibit to the Ninth Omnibus Objection attached to this Order.

- Opposition filed on behalf of Erven J. and Frankie J. Nelson Trust (the Mantas Group) regarding Claim No. 10725-2305 [DE 3507], and on behalf of Erven J. Nelson, Ltd. PSP regarding to Claim No. 10725-02304 [DE 3507]. An Order Approving Stipulation with counsel allowing the claims as unsecured claims, albeit subject to further objection, was signed by this Court on June 4, 2007 [DE 3887]. Counsel deleted the claims of Erven J. and Frankie J. Nelson Trust, and Erven J. Nelson, Ltd, PSP claims from the exhibit to the Ninth Omnibus Objection attached to this Order.

- Response filed by Edward Kline on behalf of the Edward & Leah Kline Family Trust dated 7/9/91 [DE 3165] pertaining to Claim No. 10725-00547. Counsel filed

1 a motion for summary judgment as to this claim on July 30, 2007 [DE 4291]. Counsel
2 deleted Edward & Leah Kline's claim from the Exhibit to the Ninth Omnibus Objection
3 attached to this Order.

4 No other responses were filed with this Court. The Objection came before the
5 Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

6 ORDERED:

- 7 • Sustaining the USACM Trust's Ninth Omnibus Objection to Claims
8 Asserting Secured Status listed on Exhibit A attached;
9 • Reclassifying the Proofs of Claim listed on Exhibit A attached as general
10 unsecured claims; and
11 • Reserving the right of any party in interest, including the USACM Trust, to
12 further object to any and all claims listed on Exhibit A attached as unsecured claims or
13 otherwise, whether or not the subject of this Objection.

14 ###

15 PREPARED AND SUBMITTED:

16 **LEWIS AND ROCA LLP**

17
18 By: /s/ RC (#0006593)
19 Susan M. Freeman
20 Rob Charles
Attorneys for USACM Liquidating Trust

1 APPROVED/DISAPPROVED

2
3
4 Evalyn C. Taylor, Trustee
5 *Separate Property Trust Dated 2/17/07*

6 APPROVED/DISAPPROVED

7
8 Thomas Fallon

9 APPROVED/DISAPPROVED

10 **BOLICK & BOYER**

11
12
13 By: Erven T. Nelson
14 *Attorneys for Leo G. Mantas and Others*

15 APPROVED/DISAPPROVED

16
17 Edward Kline
18 *Edward Kline, Trustee*
19 *Edward & Leah Kline Family Trust dated*
20 *7/9/91*

21 **LEWIS AND ROCA LLP**

22 By: /s/ RC (#0006593)
23 *Susan M. Freeman*
24 *Rob Charles*
25 *Attorneys for USACM Liquidating Trust*

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
 - ☒ approved the form of this order;
 - ☐ waived the right to review the order;
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
 - ☒ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b) (Evalyn C. Taylor; Thomas Fallon; and Erven J. Nelson, Frankie J. Nelson).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order:
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing (none required).

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

9th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Earp Ira, Robert D 609 N Laurel St El Paso, Tx 79903-3401	10725-01673	12/11/2006	\$49,166.67	S, U
2	Earp Ira, Robert D 609 N Laurel St El Paso, Tx 79903-3401	10725-01727	12/11/2006	\$12,951.80	S
3	Earp, Mary H 700 Post Oak Ct El Paso, TX 79932-2512	10725-01873	1/8/2007	\$23,574.24	S, U
4	Earp, Robert D 609 N Laurel St El Paso, Tx 79903-3401	10725-01822	12/27/2006	\$2,753.64	S
5	Earp, Robert D 609 N Laurel St El Paso, TX 79903-3401	10725-01891	1/8/2007	\$23,574.74	S
6	Earp, Robert 609 N Laurel El Paso, TX 79903	10725-01902	1/9/2007	\$50,000.00	S, U
7	Eastland, Thomas 172 Belle Ave Pleasant Hill, CA 94523	10725-01811	12/21/2006	\$50,000.00	S
8	Ebaugh, Monica C 412 Elk Cir Basalt, CO 81621-8202	10725-00700	10/24/2006	\$53,272.06	S
9	Eddie Mayo & Jocelyne Helzer Jt Ten 115 South Deer Run Rd Carson City, NV 89701	10725-02233	1/12/2007	\$255,953.23	S, U
10					
11	Edward & Marge Fraser Ttees 14220 Sorrel Ln Reno, NV 89511	10725-00142	8/15/2006	\$200,000.00	S U - Unknown amount
12	Edward & Marge Fraser Edward & Marge Fraser Ttees 14220 Sorrel Ln Reno, NV 89511	10725-00140	8/15/2006	\$50,000.00	S U - Unknown amount

13	Edward G Loughlin & Thelma E Guevara 2636 Golden Sands Dr Las Vegas, NV 89128-6805	10725-00477	10/6/2006	\$104,214.94	S
14	Edwards, David 9528 Yucca Blossom Dr Las Vegas, Nv 89134	10725-01152	11/9/2006	\$50,000.00	S
15	Edwards, Jeffrey L & Kathleen M 1525 Cedar Ct Southlake, TX 76092-4133	10725-01391	11/27/2006	\$51,277.49	S
16	Edwards, Jeffrey L & Kathleen M 1525 Cedar Ct Southlake, TX 76092-4133	10725-01392	11/27/2006	\$51,561.59	S
17	Edwards, Jeffrey L & Kathleen M 1525 Cedar Ct Southlake, TX 76092-4133	10725-01393	11/27/2006	\$25,039.73	S
18	Elan Reddell Revocable Trust Elan Reddell Trustee 6770 Hawaii Kai Dr #1006 Honolulu, HI 96825	10725-02282	1/12/2007	\$329,703.65	S, U
19	Eleanor L Rogers 1991 Revocable Trust C/O Eleanor L Rogers Ttee 78 Seal Rock Dr San Francisco, CA 94121	10725-02223	1/12/2007	\$304,359.78	S, U
20	Ellen Dustman & Oliver Henry 3159 6Th St Boulder, Co 80304	10725-01906	1/9/2007	\$150,000.00	S
21	Ellen V Dustman & Oliver Henry 3159 6Th St Boulder, CO 80304	10725-02154	1/12/2007	\$151,584.63	S, U
22	Eller, Jonathan & Carol PO Box 1614 Mammoth Lakes, CA 93546	10725-02080	1/11/2007	\$121,720.00	S, U
23	Emerland 18 Trust The C/O Avi Barashi Ttee Po Box 81191 Las Vegas, NV 89180-1191	10725-00982	11/3/2006	\$101,041.67	S
24	English, Richard 6727 East Swarthmore Dr Anaheim, Ca 92807	10725-00939	11/2/2006	\$416.40	S
25	English, Richard 6727 East Swarthmore Dr Anaheim, Ca 92807	10725-00940	11/2/2006	\$27,230.31	S

26	English, Richard 6727 East Swarthmore Dr Anaheim, Ca 92807	10725-00941	11/2/2006	\$555.75	S
27	English, Richard 6727 East Swarthmore Dr Anaheim, CA 92807	10725-00942	11/2/2006	\$4,053.28	S
28	Eric Noel Cartagena Trust C/O Eric N Cartagena Ttee 2066 Flag Avenue South St Louis Park, MN 55426	10725-01372	11/13/2006	\$50,000.00	S
29	Erickson, Dolores Y 1455 Superior Ave #342 Newport Beach, CA 92663-6125	10725-00900	11/1/2006	\$390,000.00	S
30					
31					
32	Esperance Family Trust Dtd 12/9/04 Robert J & Mary A Esperance Ttees 904 Dolce Dr Sparks, NV 89434-6646	10725-00265	9/27/2006	\$60,000.00	S
33					
34	Evans, Richard Z 10409 Summershade Ln Reno, NV 89521-5168	10725-01438	11/14/2006	\$153,283.00	S, P
35	Evans, Richard 7143 Via Solana San Jose, CA 95135	10725-01159	10/9/2006	\$37,000.00	S
36	Everett H Johnston Family Trust Dtd 1/24/90 C/O Everett H Johnston Trustee Po Box 3605 Incline Village, NV 89450-3605	10725-00500	10/9/2006	\$668,305.12	S
37	Everett, Dan & Sandra M 921 Crystal Court Foster City, Ca 94404	10725-01157	11/10/2006	\$50,000.00	S

38	Everett, Dan & Sandra M 921 Crystal Court Foster City, CA 94404	10725-01276	11/10/2006	\$50,000.00	S
39	Everett, Dan & Sandra M 921 Crystal Ct Foster City, CA 94404	10725-01387	11/10/2006	\$50,000.00	S
40	Everett, Daniel L & Sandra M 921 Crystal Ct Foster City, CA 94404-3517	10725-01330	11/10/2006	\$1,164.97	S
41	Everett, John P Heart Clinics Northwest 6002 N Mayfair St 2Nd Fl Spokane, WA 99208	10725-02184	1/12/2007	\$211,569.00	S, U
42	Evie Dean 2000 Trust C/O Evie Dean Trustee 29 Pheasant Ridge Dr Henderson, NV 89014-2110	10725-01206	11/10/2006	\$32,668.36	S, U
43	Evo E & Billie D Zepponi Family Trust Under Agt Dtd 2/9/93 C/O Evo & Billie Zepponi Ttees 14385 W Morning Star Trl Surprise, As 85374-3816	10728-00060	10/5/2006	\$3,691.66	S
44	Failla, Frank 182 Apache Tear Ct Las Vegas, Nv 89123	10725-00520	10/10/2006	\$72,070.98	S
45	Falkenborg Family LLC 727 3Rd Ave Chula Vista, CA 91910-5803	10725-02067	1/11/2007	\$206,262.89	S
46	Falkenborg Family LLC 727 3Rd Ave Chula Vista, CA 91910-5803	10725-02203	1/10/2007	\$206,262.89	S

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